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10/010,462	11/08/2001	Catherine Jo Fitch	10007751-1	7844

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EXAMINER	
MILIA, MARK R	
ART UNIT	**PAPER NUMBER**
2622	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/010,462	FITCH, CATHERINE JO	
	Examiner	Art Unit	
	Mark R. Milia	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-20 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 08 November 2001 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 7/10/03.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 19 and 20 are drawn to functional descriptive material NOT claimed as residing on a computer readable medium. MPEP 2106.IV.B.1(a) (Functional Descriptive Material) states:

"Data structures not claimed as embodied in a computer-readable medium are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer."

"Such claimed data structures do not define any structural or functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized."

Claims 19 and 20, while defining a computer program product, do not define a "computer-readable medium" and is thus non-statutory for that reasons. A computer program product can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" in order to make the claim statutory.

"In contrast, a claimed computer-readable medium encoded with the data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." - MPEP 2106.IV.B.1(a)

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6601159 to Smith et al.

Regarding claim 1, Smith discloses a computer system of networked computer (s) and printer(s), a help apparatus for printers, the help apparatus comprising: a) a printer (see Fig. 1 and column 4 lines 26-34) and b) a supplemental audio/video control device conformed to display audio/visual information concerning the functioning of said printer connected to said printer at said printer (see Figs. 1 and 2, column 3 lines 35-46, column 4 lines 42-51 and 61-67, and column 8 lines 4-60).

Regarding claim 2, Smith discloses the system discussed in claim 1, and further discloses wherein the element b) is conformed to display prerecorded videos (see column 8 lines 32-45).

Regarding claim 3, Smith discloses the system discussed in claim 1, and further discloses wherein the element b) is conformed to receive dynamic content for display (see column 8 lines 4-31).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 10-12, 14-17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of U.S. Patent No. 6718490 to Takemoto et al.

Regarding claim 10, Smith discloses d) a supplemental audio/visual control means for displaying audio/visual information concerning the functioning of said at least one printer connected to said at least one printer at said at least one printer (see Figs. 1 and 2, column 3 lines 35-46, column 4 lines 42-51 and 61-67, and column 8 lines 4-60).

Smith does not disclose expressly a computer system of a plurality of networked computers and at least one distributed printer, a supplemental help apparatus for assisting in the operation of said at least one printer, the apparatus comprising: a)

plurality of computers; b) a network connected to said computers; c) at least one distributed printer connected to said network.

Takemoto discloses a computer system of a plurality of networked computers and at least one distributed printer, a supplemental help apparatus for assisting in the operation of said at least one printer, the apparatus comprising: a) a plurality of computers (see Fig.1 and column 5 lines 14-38), b) a network connected to said computers (see Fig. 1, column 5 lines 14-38, and column 6 lines 7-11), c) at least one distributed printer connected to said network (see Fig. 1 and column 5 lines 14-38).

Regarding claim 14, Smith discloses a computer system of networked computers and at least one distributed printer, a method of controlling the functioning of the at least one distributed printer, the method comprising the steps of: b) connecting a supplemental audio/visual control means for displaying audio/visual information concerning the functioning of said at least one printer to said at least one printer at said at least one printer (see Figs. 1 and 2, column 3 lines 35-46, column 4 lines 42-51 and 61-67, and column 8 lines 4-60), c) receiving functioning information by said supplemental audio/visual control means from said at least one printer concerning the functioning of said at least one printer (see column 8 lines 4-60), and d) providing a user of said at least one printer, by said supplemental audio/visual control means, with a selection of audio/visual information from which to choose in responding to said functioning information (see column 8 lines 13-31).

Smith does not disclose expressly a) providing at least one distributed printer.

Takemoto discloses a) providing at least one distributed printer (see Fig. 1 and column 5 lines 14-38).

Regarding claim 19, Smith discloses a system of at least one printer, a computer program product for providing user help in the functioning of said at least one printer, the computer program product comprising: a) instructions for a supplemental audio/visual control, connected to said at least one printer at said at least one printer, such that said supplemental audio/visual control is conformed to display audio/visual information concerning the functioning of said at least one printer (see Figs. 1 and 2, column 3 lines 35-46, column 4 lines 42-51 and 61-67, and column 8 lines 4-60).

Smith does not disclose expressly providing at least one distributed printer.

Takemoto discloses providing at least one distributed printer (see Fig. 1 and column 5 lines 14-38).

Smith & Takemoto are combinable because they are from the same field of endeavor, detection and display or errors related to a printing process.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the plurality of computers connected to a distributed printer via a network as described by Takemoto and well know in the art with the system of Smith.

The suggestion/motivation for doing so would have been to allow a user, even a low proficiency user, to easily correct printer errors with the help of support information provided by the printer in an environment in which a plurality of users share a printer.

Therefore, it would have been obvious to combine Takemoto with Smith to obtain the invention as specified in claims 10, 14, and 19.

Regarding claim 11, Smith and Takemoto disclose the system discussed in claim 10, and Takemoto further discloses wherein element b) comprises the Internet network (see column 6 lines 7-11).

Regarding claim 12, Smith and Takemoto disclose the system discussed in claim 10, and Takemoto further discloses wherein element c) comprises more than one printer (see column 11 lines 59-61).

Regarding claim 15, Smith and Takemoto disclose the system discussed in claim 14, and Takemoto further discloses connecting said distributed printer to a network (see column 6 lines 7-11).

Regarding claim 16, Smith and Takemoto disclose the system discussed in claim 15, and Takemoto further discloses connecting to the Internet network (see column 6 lines 7-11).

Regarding claim 17, Smith and Takemoto disclose the system discussed in claim 14, and Takemoto further discloses connecting more than one distributed printer to the network (see column 11 line 59-column 12 line 8).

Claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith as applied to claim 1 above, and further in view of Takemoto.

Regarding claim 6, Smith does not disclose expressly at least one computer connected to said printer by a network.

Takemoto discloses at least one computer connected to said printer by a network (see Fig. 1 and column 5 lines 14-38).

Regarding claim 7, Smith does not disclose expressly wherein said network comprises the Internet network.

Takemoto discloses wherein said network comprises the Internet network (see column 6 lines 7-11).

Regarding claim 8, Smith does not disclose expressly wherein said network comprises an intranet network.

Takemoto discloses wherein said network comprises an intranet network (see column 6 lines 7-11).

Regarding claim 9, Smith does not disclose wherein element a) comprises more than one printer.

Takemoto discloses wherein element a) comprises more than one printer (see column 11 lines 59-61).

Smith & Takemoto are combinable because they are from the same field of endeavor, detection and display or errors related to a printing process.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the plurality of computers connected to a distributed printer(s) via a network as described by Takemoto and well know in the art with the system of Smith.

The suggestion/motivation for doing so would have been to allow a user, even a low proficiency user, to easily correct printer errors with the help of support information provided by the printer in an environment in which a plurality of users share a printer.

Therefore, it would have been obvious to combine Takemoto with Smith to obtain the invention as specified in claims 6-9.

Claims 4, 5, 13, 18, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith and Takemoto as applied to claims 1, 10, 14, and 19 above, and further in view of U.S. Patent No. 5784561 to Bruno et al.

Regarding claim 4, Smith does not disclose expressly wherein element b) is conformed to conduct video conferences.

Bruno discloses video conferencing (see column 2 lines 14-23 and 55-59).

Regarding claims 5, 13, 18, and 20, Smith discloses wherein said supplemental audio/video control device is conformed to display prerecorded videos and to receive dynamic content for display (see column 8 lines 4-45).

Smith and Takemoto do not disclose expressly wherein said supplemental audio/video control device is conformed to conduct video conferences.

Bruno discloses wherein said supplemental audio/video control device is conformed to conduct video conferences (see column 2 lines 14-23 and 55-59).

Smith, Takemoto, & Bruno are combinable because they are from the same problem solving area, user interaction to acquire needed materials.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the use of video conferencing as described by Bruno with the systems of Smith and Takemoto.

The suggestion/motivation for doing so would have been to provide on-demand, real-time interaction to acquire support information relating to a printer.

Therefore, it would have been obvious to combine Bruno with Smith and Takemoto to obtain the invention as specified in claims 4, 5, 13, 18, and 20.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. To further show the state of the art refer to U.S. Patent numbers 6609461 (Horri et al.), 4682158 (Ito et al.), 6314249 and 6185379 (Lay et al.), and U.S. Patent Application Publication numbers 2002/0184341 (Bhatti et al.) and 2003/0172148 (Simpson et al.).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571) 272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached at (571) 272-7402. The fax number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mark R. Milia
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